

FISCAL NOTE
SB 2343 - HB 3469

February 5, 2004

SUMMARY OF BILL: Enacts the Anti-Spam Act of 2004, regarding the transmission of e-mail for unsolicited commercial advertising, which:

- Transfers the existing regulatory authority over unsolicited e-mail from the Department of Commerce and Insurance to the Tennessee Regulatory Authority(TRA).
- Assigns responsibility to the TRA to establish a State Do-Not-E-Mail Registry,
- Implements a complaint process for investigation of spam complaints; promulgates requirements that would identify sexually explicit e-mails.
- Provides periodic reports to the General Assembly and establishes a complainant compensation plan when violations are determined and fines assessed.
- Creates criminal offenses including the sending of certain unsolicited e-mails for commercial advertising.
- Requires the TRA to implement the registry no earlier than nine months from the effective date of the bill.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$375,100

\$10,000/Incarceration*

Increase State Revenues - \$20,000

Increase Local Govt. Expenditures - Not Significant

Increase Local Govt. Revenues - Not Significant

Estimate assumes:

- an increase in state expenditures in the TRA for 7 new positions and related expenses to enforce the provisions of the bill, and to respond and to investigate complaints, and a not significant decrease in state expenditures in the Department of Commerce and Insurance;
- an increase in state revenues from the collection of fines;
- an increase in state expenditures for incarceration based upon one additional Class D felony conviction every other year and one additional Class E felony conviction each year;
- a not significant increase in local government expenditures and revenues from additional Class A misdemeanor convictions.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director